

STATE OF MARYLAND
PUBLIC SCHOOL LABOR RELATIONS BOARD

IN THE MATTER OF:

*

SCOTT A. JONES,

*

Charging Party,

*

and

*

PSLRB Case No. SV-13-11

*

AFSCME COUNCIL 67,

*

Charged Party.

*

* * * * *

DECISION AND ORDER

A. INTRODUCTION

On December 18, 2012, Scott A. Jones (“Jones”), a non-certificated mail room driver employed by the Baltimore City Board of School Commissioners (“School Board”), filed a Charge of Violation of Title 6, Subtitle 4 or Subtitle 5, of Education Article (“Form PSLRB-05”) with the Public School Labor Relations Board (“PSLRB”).¹

Named as the “Charged Parties” are AFSCME COUNCIL 67 (“Union”) and Patrice Johnson (“Johnson”), Union council representative.²

¹ As a non-certificated employee, Jones’ Charge falls under Subtitle 5.

² Inasmuch as the PSLRB has ruled that its jurisdiction extends to “employee organizations,” and not individual employees or officers of such organizations (see *Sylvia Walker, et al. v. The Baltimore Teachers Union, et al.*, PSLRB Case No. SV 2012-10), we shall treat the Union as the “Charged Party” and dismiss the Charge as to Johnson.

B. POSITIONS OF THE PARTIES

Jones' allegations are contained in a one page, fourteen line, handwritten statement which states in pertinent part, "I feel Ms. Johnson did not handle my case as a Union council rep should," and "Ms. Johnson also said she did not care what happen [sic] as far as the outcome of my case."³

The Union's position is that Jones has not provided sufficient factual information to enable it fashion a meaningful response to his allegations. According to the Union, Jones has failed to identify the case(s) in which he allegedly did not receive proper representation, the dates on which the alleged statements were made, and how the Union failed to fairly represent him.

C. ANALYSIS

Form PSLRB-05, Section V states that Charging Parties must "[p]rovide a clear and concise statement of the facts constituting the alleged statutory violation(s), including the names and positions of individuals involved and the dates and places of the occurrences giving rise to the charge."

While Jones has made certain allegations in an effort to substantiate his claim, he has not submitted a factual statement required by Form PLSRB-05 that explains specifically how his rights were violated. In other words, Jones has not provided a "concise statement of the facts constituting the alleged statutory violation(s)," and the "dates and places of the occurrences giving rise to the charge." Jones' factual omissions have effectively deprived the Union of information necessary to respond to and defend against the allegations he has made. Under these circumstances, we

³ Though Jones' Charge does not specify which provisions of Subtitle 5 were allegedly violated, his claims presumably arise under section 6-509(b) ("Duty of Fair Representation").

conclude that Jones' failure to provide specific information about his allegations warrants that this matter be DISMISSED.


This dismissal is without prejudice to Jones' right to amend and re-file his Charge with the PSLRB in accordance with the directives outlined above. Such re-filing must be received by the PSLRB no later than March 28, 2013.⁴

D. ORDER

IT IS HEREBY ORDERED THAT THE CHARGE IN THE INSTANT MATTER, PSLRB Case No. SV-2013-11 IS DISMISSED.



Seymour Strongin, Chairman



Robert H. Chanin, Member

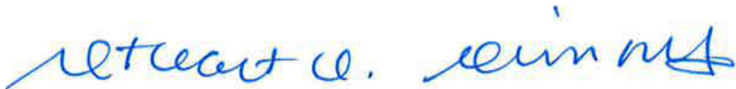


Charles I. Ecker, Member

⁴ Note that in order for a Charge to be timely, it must be filed with the Executive Director of the PSLRB "within 60 days after the charging party knew, or reasonably should have known, of the statutory violation alleged." See COMAR Regulation 14.34.02.01(B). An amended charge that involves an incident occurring more than 60 days prior to the filing of the amendment, and does not relate back to the original charge, is not permitted.



Donald P. Kopp, Member



Stuart O. Simms, Member

Glen Burnie, MD
March ____, 2013

APPEAL RIGHTS

Any party aggrieved by this action of the PSLRB may seek judicial review in accordance with Title 10, Subtitle 2 of the State Government Article, Annotated Code of Maryland, Sec. 10-222 (Administrative Procedure Act—Contested Cases), and Maryland Rules CIR CT Rule 7-201 *et seq.* (Judicial Review of Administrative Agency Decisions).